

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

ALPHONSO D'ANTIGNAC

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Criminal No. JFM-10-241

Civil No. – JFM-13-3115

MEMORANDUM

Alphonso D'Antignac has filed a motion under 28 U.S.C. §2255. The motion will be denied.

First, the motion is untimely, having been filed more than one year after his conviction. Second, there is no basis for petitioner's claim of actual innocence. His sworn admission at his rearraignment refutes any such allegation. Third, the evidence upon which petitioner relies is not "newly discovered" but was fully available to him at the time he entered his guilty plea.

A separate order dismissing D'Antignac's petition is being entered herewith.

Date: 5/27/14


J. Frederick Motz
United States District Judge

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2014 MAY 27 P 12:17

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